

House Bill 970

By: Representatives Black of the 174<sup>th</sup>, Anderson of the 117<sup>th</sup>, McCall of the 30<sup>th</sup>, Roberts of the 154<sup>th</sup>, James of the 135<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 4 of Title 44 of the Official Code of Georgia Annotated, relating to processioning for determination of property boundaries, so as to change certain provisions relating to application for new survey, marking of lines, and notice to owners of adjoining lands; to provide for resurveying and re-marking of property boundaries by licensed surveyors without processioners; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 4 of Title 44 of the Official Code of Georgia Annotated, relating to processioning for determination of property boundaries, is amended by revising Code Section 44-4-2, relating to application for new survey, marking of lines, and notice to owners of adjoining lands, as follows:

"44-4-2.

~~Every~~ Any owner of land, any portion of which lies in any militia district even if the remainder lies in an adjoining district or an adjoining county, who desires the lines around his or her entire tract to be resurveyed and re-marked ~~shall~~ may apply to the processioners of the district to appoint a day when a majority of them, along with the county surveyor, will trace and mark the lines. ~~Ten days' written~~ Written notice of the time of the running and marking shall be ~~given~~ personally delivered or deposited with certified mail or statutory overnight delivery at least ten days in advance to all the owners of adjoining lands ~~if they~~ who are residents of this state; and the processioners shall not proceed to run and mark the lines until satisfactory evidence of the service of the notice is presented to them."

**SECTION 2.**

Said article is further amended by adding a new Code section to read as follows:

"44-4-2.1.

(a) Any licensed surveyor engaged by an owner of land to resurvey or re-mark, or both resurvey and re-mark, any property boundary or boundaries for such owner's tract without processioners shall, if such tract contains five acres or more according to the most recent survey and is located in whole or in part within an agriculturally zoned area or in a political subdivision without zoning, give written notice of the running and marking, by personal delivery or by depositing with certified mail or statutory overnight delivery at least ten days in advance to all the owners of adjoining lands according to the tax records as of January 1 in the year of the resurvey; and the surveyor shall not record any plat unless the same bears the surveyor's certificate that such notice requirement has been satisfied and the plat indicates the names of all adjoining landowners according to such tax records. The surveyor shall afford an opportunity for such an adjoining landowner to offer information regarding the location of the lines and to review and comment on the plat prior to certification.

(b) Failure of a licensed surveyor to comply with the requirements of this Code section shall constitute unprofessional conduct in the practice of land surveying."

### **SECTION 3.**

This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or becomes law without such approval.

### **SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.